

107TH CONGRESS
1ST SESSION

H. R. 1576

To designate the James Peak Wilderness and Protection Area in the Arapaho and Roosevelt National Forests in the State of Colorado, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 24, 2001

Mr. UDALL of Colorado introduced the following bill; which was referred to the Committee on Resources

A BILL

To designate the James Peak Wilderness and Protection Area in the Arapaho and Roosevelt National Forests in the State of Colorado, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “James Peak Wilder-
5 ness, Wilderness Study, and Protection Area Act”.

6 **SEC. 2. WILDERNESS DESIGNATION.**

7 (a) INCLUSION WITH OTHER COLORADO WILDER-
8 NESS AREAS.—Section 2(a) of the Colorado Wilderness

1 Act of 1993 (Public Law 103–77; 107 Stat. 756) is
2 amended by adding at the end the following new para-
3 graph:

4 “(20) Certain lands in the Arapaho and Roo-
5 sevelt National Forests which comprise approxi-
6 mately 14,000 acres, as generally depicted on a map
7 entitled ‘Proposed James Peak Wilderness’, dated
8 April 2001, and which shall be known as the James
9 Peak Wilderness.”.

10 (b) ADDITION TO THE INDIAN PEAKS WILDERNESS
11 AREA.—Section 3 of the Indian Peaks Wilderness Area
12 and Arapaho National Recreation Area and the Oregon
13 Islands Wilderness Area Act (Public Law 95–450; 92
14 Stat. 1095) is amended by adding at the end the following
15 new subsection:

16 “(c) The approximately 2,232 acres of Federal lands
17 in the Arapaho National Forest generally depicted on the
18 map entitled ‘Ranch Creek Addition to Indian Peaks Wil-
19 derness’ dated April 2001, are hereby added to the Indian
20 Peaks Wilderness Area.”.

21 (c) MAPS AND BOUNDARY DESCRIPTIONS.—As soon
22 as practicable after the date of the enactment of this Act,
23 the Secretary of Agriculture shall file with the Committee
24 on Resources of the House of Representatives and the
25 Committee on Energy and Natural Resources of the Sen-

1 ate a map and a boundary description of the area des-
 2 igned as wilderness by subsection (a) and of the area
 3 added to the Indian Peaks Wilderness Area by subsection
 4 (b). The maps and boundary descriptions shall have the
 5 same force and effect as if included in the Colorado Wil-
 6 derness Act of 1993 and the Indian Peaks Wilderness
 7 Area and Arapaho National Recreation Area and the Or-
 8 egon Islands Wilderness Area Act, respectively, except
 9 that the Secretary may correct clerical and typographical
 10 errors in the maps and boundary descriptions. The maps
 11 and boundary descriptions shall be on file and available
 12 for public inspection in the Office of the Chief of the For-
 13 est Service, Department of Agriculture and in the office
 14 of the Forest Supervisor of the Arapaho National Forest.

15 **SEC. 3. DESIGNATION OF JAMES PEAK PROTECTION AREA,**
 16 **COLORADO.**

17 (a) FINDINGS AND PURPOSE.—

18 (1) FINDINGS.—The Congress finds the fol-
 19 lowing:

20 (A) The lands covered by this section in-
 21 clude important resources and values, including
 22 wildlife habitat, clean water, open space, and
 23 opportunities for solitude.

24 (B) These lands also include areas that are
 25 suitable for recreational uses, including use of

1 snowmobiles in times of adequate snow cover as
2 well as use of other motorized and non-
3 motorized mechanical devices.

4 (C) These lands should be managed in a
5 way that affords permanent protection to their
6 resources and values while permitting continued
7 recreational uses in appropriate locales and sub-
8 ject to appropriate regulations.

9 (D) Some of these lands may also be suit-
10 able for inclusion in the National Wilderness
11 Preservation System and should be managed so
12 as to maintain Congressional options in that re-
13 gard.

14 (2) PURPOSE.—The purpose of this section is
15 to provide for management of certain lands in the
16 Arapaho and Roosevelt National Forests in a man-
17 ner consistent with the 1997 Revised Land and Re-
18 sources Management Plan for these forests in order
19 to protect the natural qualities of these areas while
20 allowing for appropriate uses and while also main-
21 taining Congressional options regarding possible fu-
22 ture inclusion of some of the lands in the National
23 Wilderness Preservation System.

24 (b) DESIGNATION.—The approximately 18,000 acres
25 of land in the Arapaho and Roosevelt National Forests

1 generally depicted on the map entitled “Proposed James
2 Peak Protection Area”, dated April 2001, are hereby des-
3 ignated as the James Peak Protection Area (hereafter in
4 this section referred to as the “Protection Area”) .

5 (c) MAP AND BOUNDARY DESCRIPTION.—As soon as
6 practicable after the date of the enactment of this Act,
7 the Secretary of Agriculture shall file with the Committee
8 on Resources of the House of Representatives and the
9 Committee on Energy and Natural Resources of the Sen-
10 ate a map and a boundary description of the Protection
11 Area. The map and boundary description shall have the
12 same force and effect as if included in this Act, except
13 that the Secretary may correct clerical and typographical
14 errors in the map and boundary description. The map and
15 boundary description shall be on file and available for pub-
16 lic inspection in the Office of the Chief of the Forest Serv-
17 ice, Department of Agriculture, and in the office of the
18 Forest Supervisor of the Arapaho and Roosevelt National
19 Forests.

20 (d) MANAGEMENT.—

21 (1) IN GENERAL.—Except as otherwise pro-
22 vided in this section, the Protection Area shall be
23 managed and administered by the Secretary of Agri-
24 culture in the same manner as the management area
25 prescription designations identified for these lands in

1 the 1997 Revision of the Land and Resource Man-
2 agement Plan for the Arapaho and Roosevelt Na-
3 tional Forests and the Pawnee National Grasslands.

4 (2) PERMANENT FEDERAL OWNERSHIP.—All
5 right, title, and interest of the United States, held
6 on or acquired after the date of the enactment of
7 this Act, to lands within the boundaries of the Pro-
8 tection Area shall be retained by the United States.

9 (3) MOTORIZED AND MECHANIZED TRAVEL.—
10 Not later than 3 years after the date of the enact-
11 ment of this Act and after consultation with the
12 Grand County commissioners, the Secretary of Agri-
13 culture shall ensure that motorized and mechanized
14 travel within the Protection Area in the State of Col-
15 orado, shall be permitted only on those designated
16 roads, trails, and areas established by the Forest
17 Supervisor of the Arapaho and Roosevelt National
18 Forests. Thereafter, such designations can be re-
19 vised following review and evaluation by the Forest
20 Service during revisions of the relevant forest plan,
21 or through amendments to such plan.

22 (e) WILDERNESS STUDY.—

23 (1) STUDY AREA.—In order to maintain the op-
24 tions of Congress with regard to possible designation
25 of such lands as wilderness, the approximately 8,000

1 acres of Federal lands in the portion of the Protec-
2 tion Area identified as “Wilderness Study Area
3 Lands” on the map referred to in subsection (c)
4 shall be managed by the Secretary of Agriculture so
5 as to maintain that area’s presently existing wilder-
6 ness character and potential for inclusion in the Na-
7 tional Wilderness Preservation System.

8 (2) REPORT.—Not later than 3 years after the
9 date of the enactment of this Act, the Secretary of
10 Agriculture shall report to Congress concerning the
11 suitability or nonsuitability of the lands identified in
12 paragraph (1) for inclusion in the National Wilder-
13 ness Preservation System and such other rec-
14 ommendations as the Secretary may wish to make
15 regarding management of such lands. The report re-
16 quired by this paragraph shall include a determina-
17 tion as to whether, and if so to what extent, the use
18 of nonmotorized vehicles should be permitted on the
19 Rogers Pass Trail and any other portion of the
20 lands identified in paragraph (1).

21 **SEC. 4. INHOLDINGS.**

22 (a) STATE LAND BOARD LANDS.—If the Colorado
23 State Land Board informs the Secretary of Agriculture
24 that the Board is willing to transfer to the United States
25 some or all of the lands owned by the Board located within

1 the Protection Area, the Secretary shall promptly seek to
2 reach agreement with the Board regarding terms and con-
3 ditions for acquisition of such lands by the United States
4 by purchase or exchange.

5 (b) JIM CREEK INHOLDING.—

6 (1) ACQUISITION OF LANDS.—The Secretary of
7 Agriculture shall enter into negotiations with the
8 owner of lands located within the portion of the Jim
9 Creek drainage within the Protection Area for the
10 purpose of acquiring the lands by purchase or ex-
11 change, but the United States shall not acquire such
12 lands without the consent of the owner of the lands.

13 (2) LANDOWNER RIGHTS.—Nothing in this Act
14 shall affect any rights of the owner of lands located
15 within the Jim Creek drainage within the Protection
16 Area, including any right to reasonable access to
17 such lands by motorized or other means as deter-
18 mined by the Forest Service and the landowner con-
19 sistent with applicable law and relevant and appro-
20 priate rules and regulations governing such access.

21 (c) REPORT.—

22 (1) IN GENERAL.—The Secretary of Agriculture
23 shall submit to the Committee on Resources of the
24 House of Representatives and the Committee on En-
25 ergy and Natural Resources of the Senate a report

1 concerning any agreement or the status of negotia-
2 tions conducted pursuant to—

3 (A) subsection (a), upon conclusion of an
4 agreement for acquisition by the United States
5 of lands referred to in subsection (a), or 1 year
6 after the date of the enactment of this Act,
7 whichever occurs first; and

8 (B) subsection (b), upon conclusion of an
9 agreement for acquisition by the United States
10 of lands referred to in subsection (b), or 1 year
11 after the date of the enactment of this Act,
12 whichever occurs first.

13 (2) FUNDING INFORMATION.—The report re-
14 quired by this subsection shall indicate to what ex-
15 tent funds are available to the Secretary as of the
16 date of the report for the acquisition of the relevant
17 lands and whether additional funds need to be ap-
18 propriated or otherwise made available to the Sec-
19 retary for such purpose.

20 (d) MANAGEMENT OF ACQUISITIONS.—Any lands
21 within the James Peak Wilderness or the Protection Area
22 acquired by the United States after the date of the enact-
23 ment of this Act shall be added to the James Peak Wilder-
24 ness or the Protection Area, respectively, and managed ac-
25 cordingly.

1 **SEC. 5. JAMES PEAK FALL RIVER TRAILHEAD.**

2 (a) SERVICES AND FACILITIES.—Following the con-
3 sultation required by subsection (c), the Forest Supervisor
4 of the Arapaho and Roosevelt National Forests in the
5 State of Colorado (in this section referred to as the “For-
6 est Supervisor”) shall establish a trailhead and cor-
7 responding facilities and services to regulate use of Na-
8 tional Forest System lands in the vicinity of the Fall River
9 basin south of the communities of Alice Township and St.
10 Mary’s Glacier in the State of Colorado. The facilities and
11 services shall include the following:

- 12 (1) Trailhead parking.
13 (2) Public restroom accommodations.
14 (3) Trailhead and trail maintenance.

15 (b) PERSONNEL.—The Forest Supervisor shall assign
16 Forest Service personnel to provide appropriate manage-
17 ment and oversight of the area described in subsection (a).

18 (c) CONSULTATION.—The Forest Supervisor shall
19 consult with the Clear Creek County commissioners and
20 with residents of Alice Township and St. Mary’s Glacier
21 regarding—

- 22 (1) the appropriate location of facilities and
23 services in the area described in subsection (a); and
24 (2) appropriate measures that may be needed in
25 this area—

1 (A) to provide access by emergency or law
2 enforcement vehicles;

3 (B) for public health; and

4 (C) to address concerns regarding impeded
5 access by local residents.

6 (d) REPORT.—After the consultation required by sub-
7 section (c), the Forest Supervisor shall submit to the Com-
8 mittee on Resources and the Committee on Appropriations
9 of the House of Representatives and the Committee on
10 Energy and Natural Resources and the Committee on Ap-
11 propriations of the Senate a report regarding the amount
12 of any additional funding required to implement this sec-
13 tion.

14 **SEC. 6. ADMINISTRATIVE PROVISIONS.**

15 (a) BUFFER ZONES.—The designation by this Act or
16 by amendments made by this Act of wilderness areas and
17 the Protection Area in the State of Colorado shall not cre-
18 ate or imply the creation of protective perimeters or buffer
19 zones around any wilderness area or the Protection Area.
20 The fact that nonwilderness activities or uses can be seen
21 or heard from within a wilderness area or Protection Area
22 shall not, of itself, preclude such activities or uses up to
23 the boundary of the wilderness area or the Protection
24 Area.

1 (b) ROLLINS PASS ROAD.—If requested by one or
2 more of the Colorado Counties of Grand, Gilpin, and Boul-
3 der, the Secretary of Agriculture shall provide technical
4 assistance and otherwise cooperate with respect to repair-
5 ing the Rollins Pass road in those counties sufficiently to
6 allow two-wheel-drive vehicles to travel between Colorado
7 State Highway 119 and U.S. Highway 40. If this road
8 is repaired to such extent, the Secretary shall close the
9 motorized roads and trails on Forest Service land indi-
10 cated on the map entitled “Rollins Pass Road Reopening:
11 Attendant Road and Trail Closures,” dated April 2001.

